

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Latrell C. Layton, Jr.

Case: 4:21-mj-30601

Judge: Ivy, Curtis

Filed: 12-28-2021

CMP USA V LAYTON, JR. (kcm)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 26, 2021 in the county of Genesee in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 922(g)(1)

Felon in Possession of a Firearm

This criminal complaint is based on these facts:

Please see attached affidavit

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: December 28, 2021

City and state: Flint, Michigan

*Complainant's signature*

Todd Monfette, Special Agent - ATF&E

Printed name and title*Judge's signature*

Curtis Ivy, Jr., United States Magistrate Judge

Printed name and title

AFFIDAVIT

Todd Monfette, being first duly sworn on oath, states the following:

Introduction

1. I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, United States Department of Justice, assigned to the Detroit Field Division since July 2017. I graduated from the Criminal Investigator Training Program and the ATF Special Agent Basic Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. During my employment with ATF, I have conducted and/or participated in numerous criminal investigations involving the possession and use of firearms, drug trafficking violations, criminal street gangs and other violations of federal law.

2. I make this affidavit from personal knowledge based on my participation in this investigation, my review of reports and other materials prepared by those who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation. I am investigating Latrell C. Layton (xx/xx/1999), for federal firearm violations, including felon in possession of firearm, contrary to 18 U.S.C. § 922(g)(1), as well

as other offenses.

Probable Cause

3. In the afternoon of December 26, 2021, Officer Montney of the Metro Police Authority of Genesee County was following a black Chevrolet Traverse bearing Michigan registration: EJK857 (“suspect vehicle”) travelling east bound on W. Hill Rd. Near NB Hill 23 Drive, in the Eastern District of Michigan. The suspect vehicle’s license plate was queried in the Law Enforcement Information Network (LEIN), which showed that the registration had expired in September 2021 and that the vehicle did not have current insurance. LEIN showed that the suspect vehicle was registered to the driver from Flint, Michigan. As the suspect vehicle approached US-23 expressway signaling a north bound turn, Officer Montney stopped the suspect vehicle for the expired registration (civil infraction) and operating without securities (misdemeanor offense). The suspect vehicle stopped on the northbound onramp of US-23.

4. Officer Montney made contact with the driver, whose name the car was registered; the front seat passenger, later identified as Darnell Montrell Skinner Jr. (xx/xx/1997), who was not wearing a seatbelt (civil infraction); and a backseat passenger, later identified as Latrell C. Layton (xx/xx/1999), who was in the second row of seating on the passenger side of the car. Three children, approximate

ages 1–7, occupied the third row of seating. The driver provided her driver's license, but admitted that she did not have insurance on the vehicle due to her registration being expired. An officer smelled an odor of burnt marijuana coming from inside the suspect vehicle.

5. Officer Montney requested the driver to step out of the vehicle, and she did so. At about this same time, Officer Fisher saw that the backseat passenger (Layton) was reaching around inside the vehicle. As Officer Montney placed the driver in the backseat of a patrol vehicle, he observed Officer Fisher ordering the backseat passenger to roll down the window. Officer Fisher then retreated to his patrol vehicle, explaining that Layton was not obeying commands while making furtive movements near his feet. Both Skinner and Layton complied with Officer Fisher's loud verbal commands to roll their windows down and place their hands out of the window. Officers removed them from the suspect vehicle and both were searched for weapons; none were found on their persons.

6. Officer Fisher then saw two pistols in the backseat floorboard area under the rear part of the front passenger seat, right where Layton made furtive movements upon Officer Fisher's approach. An officer found a third firearm under the front passenger seat, directly under where Skinner sat. This third firearm was a Sig

Sauer, Model: P320, 9mm semi-automatic pistol bearing S/N: M18102762. It was loaded with a 17-round magazine with an additional round chambered.

7. The first two firearms on the backseat floorboard near Layton's feet were identified as a Glock, Model 22, .40 caliber pistol bearing S/N: TLR703 and a FN Five-Seven semi-automatic pistol, caliber 5.7X28, bearing S/N: 386370673. The Glock, Model 22, pistol contained an auto sear, which is commonly referred to as a "Glock Switch," which attaches to the rear of the slide making the firearm fire in a fully automatic fashion, like a machine gun. This pistol contained an inserted, high-capacity magazine containing 22 rounds of ammunition. A LEIN query showed that this firearm was reported stolen out of Kansas City, MO. The FN Five-Seven semi-automatic pistol contained 20 rounds of ammunition in the magazine, but had no chambered round. Officers seized the three firearms from the vehicle, which was towed from the scene and impounded.

8. I have reviewed records concerning Layton's criminal history.

Layton's criminal history is as follows:

- 11/29/2016 – Layton pled guilty to Carrying a Concealed Weapon in the 7th Circuit Court of Flint. CFN: 16-040529-FH.
- 10/14/2021 – Layton pled guilty to Delivery of a Controlled Substance less than 50 grams, Felon in Possession of a Firearm, and

Fleeing & Eluding 2nd in the 7th Circuit Court. CFN: 20-047091-FH.

Layton was sentenced to 380 days' time served and 36 months' probation.

- All of these felonies are punishable by more than one year in prison.

Because Layton served more than one year in jail, I believe that he knew his convictions for Delivery of a Controlled Substance less than 50 grams, Felon in Possession of a Firearm, and Fleeing & Eluding 2nd degree were punishable by more than one year' imprisonment when he possessed a firearm on December 26, 2021.

9. Officer Fisher contacted ATF Special Agent (SA) Hurt to assist with the investigation due to the seizure of a fully automatic firearm. SA Hurt and SA Monfette went to the Metro Police Authority of Genesee County to assist and interview the driver, Skinner, and Layton.

10. SA Hurt and SA Monfette first interviewed the driver after she acknowledged she understood her *Miranda* Rights. The driver explained that she picked up Skinner (her boyfriend) and Layton (her cousin) from the Best Western Hotel. Inside her car, they smoked marijuana with another male that she did not know. After they left, the police pulled her over and she was arrested. The driver was unaware of any firearms inside of her vehicle until after the police searched it.

The driver advised she did not carry firearms and none of the firearms located were hers. The driver added that the firearms must have belonged to Skinner and Layton.

11. SA Hurt and SA Monfette then interviewed Skinner after he acknowledged he understood his *Miranda* Rights. After initially denying knowledge of firearms in the car, Skinner ultimately admitted that the Sig Sauer pistol, located directly underneath the front passenger seat, was his. Skinner explained that he had it for his protection and the protection of his girlfriend and their children. Skinner added that he put the Sig Sauer pistol under his seat when they got into the vehicle because it is uncomfortable to wear. Skinner disclosed that after they were stopped by the police, Layton began making movements in the backseat, which he believed occurred because Layton was hiding firearms, although he never actually saw those firearms.

12. SA Hurt and SA Monfette interviewed Layton after he acknowledged he understood his *Miranda* Rights. Layton advised that the first time he saw the magazine of a pistol sticking out from under the front passenger seat was when they got pulled over by the police. He said he kicked it under the front passenger seat when the police approached. Layton admitted that he then saw a second firearm under the front passenger seat as well. When asked if his DNA would

come back on either of the firearms located near him, Layton stated his DNA may come back on them because he may have touched them about five days earlier when he saw Skinner with them. Layton advised that all the firearms inside the suspect vehicle belonged to Skinner.

13. SA Dustin Hurt is recognized by ATF as having expertise in the interstate travel and manufacture of firearms. The Sig Sauer, Model P320, 9mm semi-automatic pistol, bearing S/N: M18102762; the 17 rounds of ammunition; the Glock, model 22, 40 caliber (manufactured as a semi-automatic) pistol, bearing S/N: TLR703; the 22 rounds of ammunition; the FN Five-Seven semi-automatic pistol, caliber 5.7X28, bearing S/N: 386370673; and the 20 rounds of ammunition were all manufactured outside of the state of Michigan and therefore traveled through interstate commerce before arriving in Michigan. The three pistols described above are firearms as defined in Chapter 44, Title 18, United States Code.

14. Based on the foregoing, I have probable cause to believe that on December 26, 2021, in the Eastern District of Michigan, Latrell C. Layton Jr., knowingly and unlawfully possessed firearms, in and affecting interstate commerce, as a previously convicted felon, knowing that he was a previously convicted felon, in violation of 18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm.



Todd Monfette, Affiant

Special Agent

Bureau of Alcohol, Tobacco, Firearms & Explosives

Sworn to before me and signed in my presence and/or by reliable electronic means

on December 28, 2021.



HON. CURTIS IVY, JR.

United States Magistrate Judge